

all. But all 60 Democrats will vote for them. Democrats do what they are told. The votes include accepting this new Reid managers' package, cloture on the original Reid substitute, accepting the original Reid substitute, cloture on the underlying bill, and finally the final passage of his colossal mistake. Since I am opposed to each one of these votes, I will not remain in Washington to vote against these procedural maneuvers since that will have the same effect as voting no, and will return to vote against final passage of this bill.

#### MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE IMPORTANCE OF RENEWING THE BIODIESEL TAX CREDIT

Mr. MCCONNELL. Mr. President, on December 31, 2009, the current biodiesel tax credit will expire. This tax credit increases domestic demand and provides an incentive for U.S. producers to increase investment and output. It is essential in producing biodiesel and allowing it to compete with petroleum diesel. Without the tax credit, petroleum marketers will be unwilling to purchase the more expensive biodiesel, and demand will be heavily reduced.

As all of my colleagues know, the biodiesel tax credit provides a \$1-per-gallon credit for biodiesel made from soybean oil or yellow grease and animal fats. The original version of this tax credit was passed in 2004 and has been extended twice, most recently in October 2008.

As a result, the U.S. biodiesel industry has grown significantly over the past several years, providing not just jobs but also the green jobs this administration and many of my friends on the other side of the aisle have so adamantly supported. However, the combination of volatile commodity prices and weak motor fuel demand caused by the current recession has severely affected the biodiesel industry for the worse and therefore increases our urgency to extend the credit today.

In Kentucky, public school districts, universities, National and State parks, local governments, and the Transportation Cabinet are using biodiesel blends. These institutions and many Kentucky employers, including manufacturers in Kentucky, will be hurt beginning on January 1 if we allow this tax credit to expire. One executive of a biofuel manufacturing facility wrote to me to say:

The \$1-per-gallon tax incentive is truly the difference between the survival and collapse of this important industry. Without this tax incentive, thousands of jobs will be lost with plants closing down almost immediately

after January 1. And the nation will lose a vital link in its effort to reduce our dependence on foreign oil.

As we continue our important business, I implore my colleagues on the other side of the aisle to work to get the extenders finished this year and to include the renewal of the biodiesel tax credit.

#### LIU XIAOBO

Mr. LEAHY. Mr. President, I want to speak briefly about the indictment and trial by Chinese authorities of Mr. Liu Xiaobo for "incitement of state subversion." The evidence cited in support of the charges were Mr. Liu's essays and association with Charter 08, a framework for democracy, human rights and the rule of law that was made public a year ago this month.

That document was signed by Mr. Liu and some 300 other intellectuals and activists. Thousands more people have since added their names, most of them from inside China. I am told that Charter 08 is widely regarded as the most significant democratic reform movement in China in a decade.

The charges against Mr. Liu are very disappointing. They illustrate how little has improved in China regarding tolerance for freedom of expression. I am informed that the Chinese Government has decided to bring Mr. Liu to trial, that international observers are permitted under Chinese law, and this is consistent with international legal standards on the openness and transparency of legal proceedings. I mention this because I am aware that former Governor of Pennsylvania and U.S. Attorney General Richard Thornburgh has expressed a strong interest in attending the trial as an observer, to show support for Mr. Liu and to convey the concern that he and others around the world have for the larger implications of this case.

The arrest of Mr. Liu demonstrates a continuing, disturbing trend in China. As Governor Thornburgh has written:

in recent years, China's leaders seemed to be tolerating changes in the legal system. The number of private lawyers and law firms has grown exponentially. Lawyers and citizens energetically began pursuing rights in court. A "wei quan," or "rights defense" movement, grew up around lawyers and activists seeking to use the laws on the books, and the institutions allowed by law, to assert and defend human rights without challenging the underpinnings of China's communist system. Such efforts were tolerated at first, and there were even modest signs of greater professionalism in the communist judicial system.

Unfortunately, initial signs of progress have given way to serious setbacks. Many lawyers who take on politically-sensitive cases have been subject to a kind of backdoor disbarment, finding it impossible to renew their licenses. Some lawyers have been the target of surveillance, confined to house arrest, the victims of physical attacks, raids and confiscation of their property. Law firms and other groups pursuing law in the public interest have been shut down.

Moreover, there has been an alarming increase in the use of "subversion" or state se-

curity charges leveled against activists. These cases have become a substitute for the old "counter-revolutionary" crimes. Others convicted on such grounds include Hu Jia, the AIDS activist who also criticized abuses surrounding the staging of the Summer 2008 Olympic Games and Huang Qi, who posted public information on his website about the government's response to the Sichuan earthquake.

Liu's prosecution requires a serious response from the United States. Cooperating with China on other issues like the environment or North Korea does not mean we must silence ourselves when it comes to the rights and freedoms of China's citizens. Indeed, we are unlikely to get meaningful cooperation on any issue when we appear weak in defense of our principles, which as President Obama has said many times—most recently in his speech accepting the Nobel Peace Prize—are universal principles.

I agree, and hope the Chinese authorities reconsider this case, release Mr. Liu, and dismiss the charges against him. There are so many issues on which we want to expand our cooperation with China, but the persecution of courageous Chinese citizens who are guilty of nothing more than exercising rights guaranteed by the Universal Declaration of Human Rights hinders that cooperation and China's own development.

If the charges are not dismissed, and Mr. Liu is brought to trial, his trial should be attended by outside observers including top officials of the U.S. Embassy and Governor Thornburgh. I hope the Department of State and our diplomats in Beijing will assist Governor Thornburgh, including in obtaining a visa and access to the trial. It is important that the Chinese Government, and the Chinese people, know how strongly we deplore what is being done to Mr. Liu, and what it says about the need for China to meet its own commitments to respect internationally recognized human rights.

#### NATIVE AMERICAN APOLOGY RESOLUTION

Mr. AKAKA. Mr. President, today, I want to speak about a matter of significance to our Nation. As part of the Defense appropriations bill, Congress has enacted an apology to our Native Peoples for the historical wrongs that our Nation has committed against them. I am proud to have served as a cosponsor of the stand-alone apology resolution, S.J. Res 14, and commend Senators BROWNBACK, DORGAN, and INOUE for ensuring this needed apology will be made.

From the beginning, Native peoples welcomed early colonists at Plymouth Rock and in Virginia, and in my home State of Hawaii, the Kingdom of Hawaii extended the aloha spirit to our visitors. During the American Revolution, the United States entered into military alliances with Indian nations to secure assistance in winning our independence. As a nation, we pledged to respect the rights of Indian nations to self-government, self-determination and territorial integrity.

Our Constitution recognizes native nations as prior sovereigns, with a continuing right to self-government in the Indian commerce, apportionment, treaty and supremacy clauses. The United States entered into 370 treaties with Indian nations and treaties of peace, friendship and commerce with the Kingdom of Hawaii. In many ways, the United States broke these treaties and engaged in acts of war against our Native peoples, taking lands by force, displacing Native peoples and leaving them in poverty and suffering. At times, the United States informed indigenous, Native peoples that their continued residence on their original lands would be considered an act of war against the U.S. and if they did not leave, U.S. military forces commenced wars, imprisoned and killed Native leaders and people, and tragically, at places like Sand Creek and Wounded Knee massacred Native men, women, and children.

Congress and the executive branch enacted laws and policies that took Native children out of their homes and forced them to attend boarding schools, far from their families in an effort to suppress Native cultures and languages. Our Nation denied Indian nations religious freedom. And these wrongs did not end in the 19th century. The United States continued to take Native lands for various purposes, and in many cases has failed to safeguard Native lands, waters, and resources.

For these things, our Nation should and now does apologize. I commend my colleagues, Senator BROWNBACK, Senator DORGAN and our Senate Appropriations chairman, Senator INOUE, for leadership on this important and historic apology. I know from experience that an apology can bring healing and reconciliation. Congress passed the Native Hawaiian Apology Resolution, Public Law 103-150, in 1993 and it has had a profound impact.

I encourage President Obama to issue an apology to our Native peoples that truly reflects the many wrongs that we should apologize for to Native peoples. The strength and resilience of our indigenous people, America's first people must be acknowledged. Despite the many transgressions made against our Nation's first people, American Indians, Alaska Natives, and Native Hawaiians continue to make meaningful contributions to the United States. This apology will be a historic act that can bring reconciliation and healing between our Native peoples and the American people as a whole.

Mr. BROWNBACK. Mr. President, I would also like to highlight a section of this conference report that means a great deal to many American Indian tribal leaders in this country, to several of my colleagues and to me personally, the Native American apology resolution.

I am very pleased to report that with the addition of this language in the defense appropriations conference report, we—the United States of America—will

officially apologize for the past ill-conceived policies and maltreatment by the United States toward the Native peoples of this land.

With the passage of this language, we, as a Nation, will reaffirm our commitment toward healing our Nation's wounds rooted in a difficult past of Federal-tribal relations and work toward establishing better relationships rooted in reconciliation and forgiveness.

Native Americans have a vast and proud legacy on this continent. Long before 1776 and the establishment of the United States of America, native peoples inhabited this land and maintained a powerful physical and spiritual connection to it. In service to the Creator, Native peoples sowed the land, journeyed it, and protected it. The people from my State of Kansas have a similar strong attachment to the land.

Like many in my State, I was raised on the land. I grew up farming and caring for the land. I and many in my State established a connection to this land as well. We care for our Nation and the land of our forefathers so greatly that we too are willing to serve and protect it, as faithful stewards of the creation with which God has blessed us. I believe without a doubt citizens across this great Nation share this sentiment and know its unifying power. Americans have stood side by side for centuries to defend this land we love.

Both the Founding Fathers of the United States and the indigenous tribes that lived here were attached to this land. Both sought to steward and protect it. There were several instances of collegiality and cooperation between our forbears—for example, in Jamestown, VA, Plymouth, MA, and in aid to explorers Lewis and Clark.

Yet, sadly, since the formation of the American Republic, numerous conflicts have ensued between our government, the Federal Government, and many of these tribes, conflicts in which warriors on all sides fought courageously and which all sides suffered. Even from the earliest days of our Republic there existed a sentiment that honorable dealings and a peaceful coexistence were clearly preferable to bloodshed. Indeed, our predecessors in congress in 1787 stated in the northwest ordinance:

"The utmost good faith shall always be observed toward the Indians."

Today we live up to this goal, today, we right a wrong that has been committed in this Nation.

This amendment extends a formal apology from the United States to tribal governments and Native peoples nationwide—something we have never done; something we should have done years and years ago.

Further, this resolution will not resolve the many challenges still facing Native Americans, nor will it authorize, support or settle any claims against the United States. It doesn't have anything to do with any property claims against the United States. That

is specifically set aside and not in this bill.

What this amendment achieves is recognition, honor, and the importance of Native Americans to this land and to the United States in the past and today and offers an official apology for the poor and painful path the U.S. Government sometimes made in relation to our Native brothers and sisters by disregarding our solemn word to Native peoples. It recognizes the negative impact of numerous destructive Federal acts and policies on Native Americans and their culture, and it begins—begins—the effort of reconciliation.

Apologies are oftentimes difficult, but like treaties, go beyond mere words and usher in a true spirit of reconciling past differences and help to pave the way toward a united future—a future that transcends the individual but strives to reach into eternity. The notion of the creation of the "Beloved Community" that Dr. King spoke of . . . that my good friend representative JOHN LEWIS speaks of is very appropriate at this moment for this time. "The end is reconciliation, the end is redemption, the end is the creation of the beloved community." This is our goal; this is my hope for our Nation united as one people.

#### AUNT ANNE IS 100 YEARS OLD TODAY

Mr. SPECTER. Mr. President, today is a momentous day in the history of the Specter/Shanin family. My aunt Anne Shanin Kleiman is 100 years old.

My Tante Annie, that's the Jewish name for Aunt Annie, is the younger sister of my mother, Lillie Shanin Specter. Annie is an outstanding scholar who published a book on Hebrew poetry.

She was the first person who taught me about Israel. She traveled to Israel before Israel was declared a state, when it was called Palestine. She sent me a beautiful wooden camel as a starting point to describe Biblical Canaan which later was called Palestine and is now Israel.

Annie married a distinguished scientist/chemist, Dr. Morton Kleiman, and had two brilliant children, Dr. Adina Sue Kensky and Dr. Jay Kleiman who has two accomplished children and two adorable grandchildren.

During the Depression when times were very tough and my family was struggling, Annie loaned my father \$500, an act of real generosity in tough times. Over the years, I have visited her many times, sought her advice, savored her excellent cooking, and enjoyed her company.

My first visit was to Chicago, where she has lived for many years. There I saw the marvels of the World's Fair. I rode in a scary cable car over Lake Michigan and was hoisted on to the stage by my father on a sideshow with an Indian chief. This occurred in the midst of the Depression when my family was en route from Wichita, KS,